UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER
AGWUMEZIE, CHARLES C

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21 and 27-42* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-21 and 27-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *22-26* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *11/25/07*.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Claims 22-26 withdrawn from further consideration pursuant to 37 CFR 1.142(b),

as being drawn to a nonelected group, there being no allowable generic or linking claim.

Applicants' attorney Mr. Patrick Boucher timely traversed the restriction (election)

requirement in the telephone discussion on October 10, 2007. Accordingly claims 1-21

and 27-42 having been determined not to be patentably distinct have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 14-17, 19, 27-37, and 39-42, are rejected under 35 U.S.C. 102(b)

as being anticipated by Linehan U.S. patent No. 6,327578 B1.

As per **claims 1, and 15**, Linehan discloses a computerized method comprising:

receiving, at a payment network, a first information packet from a merchant, the

first information packet including a cost of a financial transaction between the merchant

and a customer and a credential presented by the customer as a payment for the

financial transaction (see figs. 1 and 3; merchant sends ...initiation message with

payment amount, order description, timestamp....);

using the credential to determine, with the payment network, account information

that identifies a financial account maintained by the customer at a financial institution

and authorization information that allows debit access to the identified financial account

(see fig. 1; ...consumer sends authorization token to merchant...; col. 4, lines 25-45;

...gateway verifies that the consumer's account is active and has sufficient funds...);

generating, at the payment network, a second information packet comprising the

account information and the authorization information (col. 4, lines 25-45; ...pre-

authorizes payment by sending an authorization token...);

selecting one of a plurality of transaction networks over which to transmit the

second information packet to the financial institution (see fig. 2 and 4; col. 3, lines 15-

45; ...forwards consumer's payment request over internet path...);

transmitting from the payment network the second information packet to the

financial institution using the selected transaction network, with a request to perform a

debit transaction from the identified financial account for at least a portion of the cost of

the financial transaction (see fig. 2 and 4; ...merchant request message...signed

authorization token...; col. 4, lines 25-55; the acquiring bank will settle accounts with the

issuing bank...)

As per **claim 2 and 28**, Linehan further discloses the method, further comprising

using the credential to determine, with the payment network, second account

information that identifies a second financial account maintained by the customer at one

of the financial institution and a second financial institution and second authorization

information that allows debit access to the identified second financial account (col. 4,

lines 45-55; apply the transaction amount to consumer's credit card or deposit

account...; col. 10, lines 50-60; col. 12, lines 50-55; divide payments into two or more

portions that are separately authorized...).

As.per **claim 3 and 29**, Linehan further discloses the method, further comprising:

determining, at the payment network, an apportionment of the cost among the

first and second financial accounts (col. 12, line 50-col. 13, line 30; divide payments into

two or more portions that are separately authorized...);

generating, at the payment network, a third information packet comprising the

second account information, the second authorization information, and a portion of the

cost to apply to the second financial account in accordance with the apportionment (col.

12, line 50-col. 13, line 30; split payments with separate authorizations...);

and wherein the second information packet further includes a second portion of

the cost to apply to the financial account in accordance with the apportionment (col. 12,

line 50-col. 13, line 60).

As per **claims 4, 17, 19 and 30**, Linehan further discloses the method, further

comprising:

receiving, at the payment network, a response from the financial institution

indicating approval or denial of the debit transaction (col. 4, lines 25-55); and

transmitting, from the payment network, an authorization code to the merchant

indicating approval or denial of the financial transaction in accordance with the response

received from the financial institution (see fig. 2; col. 4, lines 25-55).

As per **claims 5, and 31**, Linehan further discloses the method, further

comprising:

performing, with the payment network, a risk analysis of the financial transaction

(col. 13, lines 1-30; gateway verifies split payment ...according to its risk management

policies...); and

determining, with the payment network, whether to provide a guarantee of the

financial transaction to the merchant based on the risk analysis, wherein the

authorization code further reflects whether the guarantee is provided (col. 4, lines 45-65;

...undeniable proof that the issuer authorized the payment...).

As per **claims 6 and 36**, Linehan further discloses the method, wherein: the

account information comprises a primary account number for the identified financial

account (col. 10, lines 50-60); and

the authorization information comprises a personal identification number

assigned to the customer for accessing the identified financial account (fig. 2; col. 7,

lines 40-55; ...includes various method to perform authentication of consumer...).

As per **claims 7 and 32**, Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises:

performing, with the payment network, a risk analysis of the financial transaction (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...); and

selecting the transaction network based on the risk analysis (col. 13, lines 1-30; gateway verifies split payment ...according to its risk management policies...).

As per **claims 8 and 33**, Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises selecting an automated clearing house ("ACH") network (see figs. 2 and 4).

As per **claims 9 and 34**, Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises selecting a debit system (col. 7, lines 40-55; ...debit card and PIN...).

As per **claims 10 and 35**, Linehan further discloses the method, wherein selecting one of a plurality of transaction networks comprises selecting a direct network path to the financial institution from the payment network (see figs. 2 and 4).

As per **claims 11 and 37**, Linehan further discloses the method, wherein the

credential comprises a payment network account number assigned to the customer to

access the payment network (col. 10, lines 50-65).

As per **claim 12**, Linehan further discloses the method:

wherein the credential further comprises.a personal identification number (PIN)

(col. 7, lines 40-55; ...debit card and PIN...or userID and password...); and

wherein the method further comprises verifying, with the payment network, the

PIN is associated with the payment network account (col. 7, lines 40-55;

...authentication of the cosumer...).

As per **claim 14**, Linehan further discloses the method, wherein receiving the first

information packet comprises receiving the first information packet from an Internet

merchant and wherein the financial transaction is an Internet-based financial transaction

(see figs. 2 and 4).

As per **claim 16**, Linehan discloses a computerized method comprising:

receiving, at a payment network, an information packet from a merchant, the

information packet including a cost of a financial transaction between the merchant and

a customer and a credential assigned to the customer (see figs. 1 and 3; merchant

sends ...initiation message with payment amount, order description, timestamp....);

using the credential to determine, with the payment network, account information

identifying a plurality of financial accounts maintained by the customer at one or more

financial institutions ();

using the credential to determine, with the payment network, authorization

information for each of the identified financial accounts that allows access to the

identified financial accounts (col. 10, lines 45-60);

determining, at the payment network, an apportionment of the cost to apply to

each of the identified financial accounts (col. 12, lines 50-55; ...divide payments into two

or more portions that are separately authorized...);

generating, at the payment network, a plurality of authentication packets for each

of the identified financial accounts, each authentication packet comprising account

information for one of the identified financial accounts, authorization information for the

identified financial account, and the determined apportionment of the cost to apply to

the identified financial account (col. 12, line 50-col. 13, line 30; ...new authorization

token...); and

transmitting from the payment network, each of the authentication packets to the

respective financial institution at which the financial account is maintained (col. 13, lines

1-30; ...resubmits new authorization token...).

As per **claims 27 and 39**, Linehan discloses a payment network comprising:

a communications device (see figs. 2-4);

a processor (see figs. 2-4);

a storage device (see figs. 2-4); and

a memory coupled with the processor, the memory comprising a computer-readable medium having a computer-readable program embodied therein for directing operation of the payment network, the computer-readable program including:

instructions for receiving, with the communications device, a first information packet from a merchant, the first information packet including a cost of a financial transaction between the merchant and a customer and a credential presented by the customer as a payment for the financial transaction (see figs. 1 and 3; merchant sends ...initiation message with payment amount, order description, timestamp....);

instructions for determining from the credential, with the processor, account information that identifies a financial account maintained by the customer at a financial institution and authorization information that allows debit access to the identified financial account (see fig. 1; ...consumer sends authorization token to merchant...; col. 4, lines 25-45; ...gateway verifies that the consumer's account is active and has sufficient funds...);

instructions for generating, with the processor, a second information packet comprising the transaction information, the account information, and the authorization information (col. 4, lines 25-45; ...pre-authorizes payment by sending an authorization token...);

instructions for selecting, with the processor, one of a plurality of transaction networks over which to transmit the second information packet to the financial institution

(see fig. 2 and 4; col. 3, lines 15-45; ...forwards consumer's payment request over internet path...); and

instructions for transmitting, with the communications device, the second information packet to the financial institution using the selected transaction network, with a request to perform a debit transaction from the identified financial account for at least a portion of the cost of the financial transaction (see fig. 2 and 4; ...merchant request message...signed authorization token...; col. 4, lines 25-55; the acquiring bank will settle accounts with the issuing bank...).

As per **claim 40**, Linehan further discloses the payment network, wherein the instructions for verifying the account information and the authorization information comprise instructions for each of the identified financial accounts:

instructions for transmitting, with the communications device, the account information and the authorization information to the financial institution associated with the identified financial account with a request to authenticate the information for the identified financial account (see figs. 2 and 4; merchant request message ...signed authorization token...);

instructions for receiving, with the communications device; a response from the financial institution authenticating the information (see figs. 2 and 4; col. 7, lines 40-55; includes variety of methods to perform authentication of consumer...).

As per **claim 41**, Linehan further discloses the payment network, wherein the

computer-readable program further comprises: instructions for receiving, with the

communications device, an allocation apportionment for each of the identified financial

accounts indicating the portion of future financial transactions to allocate to each of the

identified financial accounts (col. 12, line 50-col. 13, line 30; ...recurring payment,

installment payment, split payments...).

As per **claim 42**, Linehan further discloses the payment network, wherein the

computer-readable program further includes instructions for generating, with the

processor, a unique account number for the customer to access the payment network

(col. 10, lines 50-67).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 13 and 38, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Linehan U.S. Patent No. 6,327,578 B1 in view of Daly et al U.S. Patent No. 5,878,141.

As per **claims 13 and 38**, Linehan failed to explicitly disclose the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction.

Daly et al discloses the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction (col. 10, lines 30-50; ...frequent buyer program...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate the method, further comprising crediting, with the payment network, a loyalty program for the customer in response to execution of the financial transaction in view of the teachings of Daly resulting in repeat consumers.

Claim 18, is rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan U.S. Patent No. 6,327,578 B1.

As per **claim 18**, Linehan failed to explicitly disclose the method, further comprising:

receiving a response to the additional authentication packet indicating denial of the debit transaction; and transmitting, from the payment network, an authorization code to the merchant indicating denial of the financial transaction. Linehan however verifies whether the consumer account is sufficient for the transaction. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention

to modify the method of Linehan and incorporate receiving a response to the additional

authentication packet indicating denial of the debit transaction; and transmitting, from

the payment network, an authorization code to the merchant indicating denial of the

financial transaction because traditionally an insufficient fund results in denial of credits.

Claims 20 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Linehan U.S. Patent No. 6,327,578 B1 in view of Cohen U.S. Patent No. 6,422,462

B1.

As per **claim 20**, Linehan failed to explicitly disclose the method, wherein

determining an apportionment of the cost comprises apportioning the cost equally

among the identified financial accounts.

Cohen discloses the method, wherein determining an apportionment of the cost

comprises apportioning the cost equally among the identified financial accounts (col. 9,

lines 45-55; ...distributed over plurality of cards...designating particular sum...).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time of applicant's invention to modify the method of Linehan and incorporate the

method, wherein determining an apportionment of the cost comprises apportioning the

cost equally among the identified financial accounts in view of the teachings of Cohen

resulting in further security.

As per **claim 21**, Linehan failed to explicitly disclose the method, wherein

determining an apportionment of the cost comprises using an allocation apportionment specified by the customer.

Cohen discloses the method, wherein determining an apportionment of the cost comprises using an allocation apportionment specified by the customer (col. 9, lines 45-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Linehan and incorporate the method, wherein determining an apportionment of the cost comprises using an allocation apportionment specified by the customer in view of the teachings of Cohen resulting in further security.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. The reference cited to Padam et al U.S. Patent Application

Publication No. 2005/0080692 is a document considered relevant to the claimed

invention.

Examiner's Note: Examiner has cited particular columns and line numbers in

the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art ad are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles C. Agwumezie whose number is **(571) 272-**

6838. The examiner can normally be reached on Monday – Friday 8:00 am – 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on **(571) 272 – 6712**.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charlie Lion Agwumezie
Patent Examiner
Art Unit 3621

Acc
August 28, 2007

ANDREW J. FISCHER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600